

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MARIA D. FIERRO,

Plaintiff,

v.

CIVIL ACTION NO. 2:15-cv-08388

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff's Complaint seeking judicial review of the decision of the Acting Commissioner of Social Security, Carolyn W. Colvin ("Commissioner"). (ECF No. 2.) On June 26, 2015, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation ("PF&R"). (ECF No. 4.) Magistrate Judge Tinsley filed his PF&R on July 7, 2016, recommending that this Court reverse the final decision of the Commissioner and remand this matter pursuant to the fourth sentence of 42 U.S.C. § 405(g). (ECF No. 15.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not

conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).


Objections to the PF&R in this case were due on July 25, 2016. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 15), **GRANTS** Plaintiff’s motion for judgment on the pleadings, (ECF No. 10), **DENIES** the Commissioner’s request for judgment on the pleadings, (ECF No. 13), **REVERSES** the final decision of the Commissioner, **REMANDS** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, and **DISMISSES** this action from the Court’s docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 12, 2016



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE